
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Northland Cable Television Inc.)	File No. EB-11-SF-0261
Cable System Operator)	
Community Unit ID # CA0978)	NOV No. V201232960020
Oakhurst, California)	
)	

NOTICE OF VIOLATION

Released: December 28, 2011

By the District Director, San Francisco Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Northland Cable Television Inc. ("Northland"), operator of a cable system in Oakhurst, California. This Notice may be combined with a further action, if further action is warranted.²

2. On September 30, 2011, an agent of the Enforcement Bureau's San Francisco Office inspected Northland's cable system located in Oakhurst, California, and observed the following violation(s):

- a. 47 C.F.R. § 11.15: "The EAS Operating Handbook states in summary form the actions to be taken by personnel at EAS Participant facilities upon receipt of an EAN, an EAT, tests, or State and Local Area alerts. It is issued by the FCC and contains instructions for the above situations. A copy of the Handbook must be located at normal duty positions or EAS equipment locations when an operator is required to be on duty and be immediately available to staff responsible for authenticating messages and initiating actions." At the time of the inspection, the EAS Operating Handbook was not available.
- b. 47 C.F.R. § 76.605(a)(12): "As an exception to the general provision requiring measurements to be made at subscriber terminals, and without regard to the type of signals carried by the cable television system, signal leakage from a cable television system shall be measured in accordance with the procedures outlined in 76.609(h) and shall be limited as follows: Over 54 MHz up to and including 216 MHz - 20 micro-volts per meter, measured at 3

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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meters.” At the time of the inspection, the agent measured signal leakage in excess of 20 $\mu\text{V/m}$ on the frequency of 133.2625 MHz at the following locations:

- | | |
|--|--------------------|
| 1) PG&E Pole #163734 48963 Royal Oak Dr. | 70 $\mu\text{V/m}$ |
| 2) PG&E Pole #113576 48800 Royal Oak Dr. | 83 $\mu\text{V/m}$ |

- c. 47 C.F.R. § 76.1708(a): The operator of every cable television system shall maintain for public inspection the designation and location of its principal headend. If an operator changes the designation of its principal headend, that new designation must be included in its public file.” At time of the inspection, the operator was unable to provide a document designating the location of Northland’s principle headend.

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that cable operators play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to cable operators. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission’s Rules, we seek additional information concerning the violations and any remedial actions the station may have taken. Therefore, Northland, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Commission’s Rules, we direct Northland to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Northland with personal knowledge of the representations provided in Northland response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S.

³47 U.S.C. § 403.

⁴47 C.F.R. § 1.89(c).

⁵Section 1.16 of the Commission’s Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

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Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
San Francisco Office
5653 Stoneridge Drive, Suite 105
Pleasanton, CA 94558-8543

6. This Notice shall be sent to Northland Cable Television Inc. at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Thomas N. Van Stavern
District Director
San Francisco District Office
Western Region
Enforcement Bureau

⁶18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).